

REMARKS

Claims 1-2, 6-12, 16-22, and 26-33 were previously pending in this patent application. Claims 1-2, 6-12, 16-22, and 26-33 stand rejected. Herein, Claims 3-5, 13-15, and 23-25 have been canceled. Accordingly, after this Amendment and Response, Claims 1-2, 6-12, 16-22, and 26-33 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks and arguments set forth below is respectfully requested.

Statement Pursuant to 35 U.S.C. Section 103(c) to Disqualify Patent

The inventive entity of the present Patent Application No. 10/816,269 is different from the inventive entity of U.S. Patent No. 6,936,898 since all inventors are not the same for the present Patent Application No. 10/816,269 and U.S. Patent No. 6,936,898. Moreover, present Patent Application No. 10/816,269 and U.S. Patent No. 6,936,898 were, at the time the invention of present Patent Application No. 10/816,269 was made, owned by or subject to an obligation of assignment to the same person, Transmeta Corporation.

The above statements alone are sufficient to disqualify U.S. Patent No. 6,936,898 from being used in a rejection under 35 U.S.C. Section 103(a) against the claims of present Patent Application 10/816,269 since U.S. Patent No. 6,936,898 qualifies as prior art only under 35 U.S.C. Section 102(e) to support the rejection pursuant to 35 U.S.C. Section 103(a).

35 U.S.C. Section 103(a) Rejections

Claims 1-2, 6-12, 16-22, and 26-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pelham et al., U.S. Patent No. 6,936,898 (hereafter Pelham), in view of Takahashi et al., U.S. Patent Application Publication No. US2001/0024859 (hereafter Takahashi). These rejections are respectfully traversed.

As stated above, U.S. Patent No. 6,936,898 (Pelham) is disqualified from being used in a rejection under 35 U.S.C. Section 103(a) against the claims of Patent Application No. 10/816,269. Hence, Claims 1-2, 6-12, 16-22, and 26-33 are patentable over all the cited references.

CONCLUSION

It is respectfully submitted that the above claims, remarks, and arguments overcome all rejections. All remaining claims (Claims 1-2, 6-12, 16-22, and 26-33) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-2, 6-12, 16-22, and 26-33) are in condition for allowance.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

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Jose S. Garcia

Jose S. Garcia
Registration No. 43,628

Two North Market Street, Third Floor
San Jose, CA 95113
(408) 938-9060